



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF JANUARY 23, 2003**

CALL TO ORDER: Chairperson Cohen called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Cohen, Commissioners Weaver, Wieckowski, Harrison, Thomas, Sharma, Natarajan

ABSENT: None

STAFF PRESENT: Jeff Schwob, Deputy Planning Manager  
Michael Barrett, Senior Deputy City Attorney  
Cliff Nguyen, Planner 1  
Alice Malotte, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Mark Eads, Video Technician

APPROVAL OF MINUTES: Regular Minutes of January 9, 2003, approved as submitted.

**CONSENT CALENDAR**

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1 AND 2.

IT WAS MOVED (WEAVER/WIECKOWSKI) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 1 AND 2.

**ITEM 1. SPRINT MISSION BOULEVARD – 37296 Mission Boulevard – (PLN2002-00334)** - to consider Planning Commission recommendation to the City Council for a Finding (required by the Hill Area Initiative of 2002) and a Conditional Use Permit to allow the installation of ground-mounted antennas and associated equipment cabinets located on the hill face in the Niles Planning Area. This project is categorically exempt from CEQA review per Section 15303; New Construction or Conversion of Small Structures.

**CONTINUE TO FEBRUARY 27, 2003.**

**ITEM 2. MILNES ACCESSORY STRUCTURE – 47753 Avalon Heights Terrace – (PLN2003-00039)** - to consider a Planned District Minor Amendment for an 888-square foot accessory structure (including the cellar) on a lot developed with a single-family dwelling located in the Warm Springs Planning Area. This project is categorically exempt from environmental review per CEQA Guidelines Section 15303 (Class 3) pertaining to New Construction or Conversion of Small Structures.

**HOLD PUBLIC HEARING;**

**AND**

**FIND PLN2003-00039 IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW;**

**AND**

**FIND PLN2003-00039 IS IN CONFORMANCE WITH THE APPLICABLE PROVISIONS OF THE GENERAL PLAN;**

**AND**  
**APPROVE PLN2003-00039, AS SHOWN ON EXHIBITS “A” (SITE PLAN) AND “B” (FLOOR PLANS AND ELEVATIONS), BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS ON EXHIBIT “C”.**

The motion carried by the following vote:

AYES:	7 – Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

## **PUBLIC COMMUNICATIONS**

### **ORAL COMMUNICATIONS**

## **PUBLIC HEARING ITEMS**

- ITEM 3. MISSION SELF STORAGE – 36341 Mission Boulevard (PLN2003-00140)** – to consider a Minor Amendment to P-2000-141 for minor revisions to a previously approved development of a mini-warehouse with caretaker unit in the Niles Planning Area. The City previously certified and approved a Mitigated Negative Declaration for the development of this project.

Deputy Planning Manager Schwob briefly discussed the modifications below.

### **MODIFICATION TO PROJECT ANALYSIS, ZONING REGULATIONS:**

*Lot coverage: The C-T district provides for a maximum Floor Area Ratio (FAR) of 0.30, but does provide for consideration of increases.*

*Staff Comment: In this instance, ~~a 0.996 FAR is proposed~~ the project FAR is increased from its previously approved 0.77 FAR to a 0.996 FAR. While this seems high, the traffic and intensity characteristics of a mini-warehouse facility of the proposed size are comparable to a six unit residential development, which was allowed under the lot's previous zoning and general plan designations. In fact, the peak morning (7 a.m.-9 a.m.) trip generation rate for the project is equal to that of six single-family dwellings. Similarly, the peak late-afternoon (4 p.m.-6 p.m.) trip generation rate for the project only accounts for a negligible increase of two additional trips as compared to that of six single-family dwellings. Based on these figures, the project is a very low generator of traffic.*

### **MODIFICATION TO EXHIBIT “B” OF STAFF REPORT (INCLUSION OF REVISED FINDINGS FOR FLOOR AREA RATIO INCREASE):**

#### **EXHIBIT “B”** **PLN2003-00140**

#### **(REVISED FINDINGS FOR MINI STORAGE PLANNED DISTRICT MINOR AMENDMENT)**

### **FINDINGS:**

**The following findings below supercede all “Findings” contained in Exhibit “D” for PLN2000-00141 approved by the City Council on September 12, 2000, effective November 12, 2000 for the development of the mini-warehouse facility with caretaker's unit.**

1. The proposed "P" district, or given unit thereof, can be substantially completed within four years of the establishment of the "P" district in that market conditions appear to support the current development proposal and there is a shortage of available mini-storage units in the community.
2. Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained in that all improvements will be installed in one phase of the development. The proposed use will not be detrimental to present and potential surrounding uses in that this Planned District will limit the uses of the site to that of a mini-storage facility and a caretaker unit as described on the precise plan. Furthermore, the activity levels of the proposed mini storage use will be generally lower than that of a residential development on the site providing a beneficial effect that could not be achieved under a Thoroughfare Commercial zone.
3. The streets and thoroughfares are suitable and adequate to carry anticipated traffic and will not generate traffic in such amounts as to overload the street network outside the "P" district in that the adequate on-site circulation is provided to access to all buildings and parking areas within the development and the project has been designed to meet City standards.
4. That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with the adopted policy of the Planning Commission and City Council. The exceptions for minimum site area, setbacks, floor area ratio and parking are warranted because of the relatively constrained nature of the site located within an area impacted by heavy traffic, noise from both rail and vehicular traffic and in that the proposed architecture portrays a residential character and scale in keeping with the adjacent residential development to the northwest and in that the landscaping concept enhances the California Nursery Historical Park setting by incorporation of appropriate historical plantings. Finally, based upon the relatively small size of this mini-storage facility, a total parking requirement of five spaces is adequate and sufficient to serve the development.
5. That the increase in FAR will not be detrimental to area streets, sewer lines and/or other public services or to the lighting, air quality, or privacy of any other properties in the vicinity of the project site because the proposed mini-warehouse use is a permitted use on the site and the increase in FAR will not have a significant impact on traffic conditions on the surrounding streets.
6. That the increase in FAR will not be used to create a more intensive use other than the uses specified in the approved Planned District because Condition 3 of the "Conditions of Approval" for the project specifically approves a mini-storage facility not to exceed 31,803 square feet and a caretaker unit not to exceed 2,200 square feet. No other uses are permitted without amendment to this Planned District.
7. That the increase in FAR will benefit the City by providing mini-storage units at a location which has a unique size and shape and where only one other self-storage facility is provided within a 2-mile radius. All other storage facilities within the City are located at least a 4.5-mile distance from the project site in the Industrial and Warm Springs Planning Areas. Additionally, storage units are useful during residential remodeling projects and for storage of household goods, particularly within the smaller-sized dwelling units being constructed today.

- 5- 8. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development in that this project provides for the appropriate frontage improvements and is compatible with adjoining developments.
- 6- 9. That the "P" district is in conformance with the General Plan of the City of Fremont in that the proposed use (a mini-storage facility) is allowed by this P District, consistent with the underlying General Plan designation of Thoroughfare Commercial.
- 7- 10. Existing or proposed utility services are adequate for the proposed project in that utility services are available within Mission Boulevard and of sufficient size to accommodate the proposed project.

### **PUBLIC HEARING**

Commissioner Wieckowski recused himself because he represented a client who was in litigation with the applicant.

Taghi Manbeian, applicant, stated that this property was not located on the Hayward Fault, as was claimed in a letter from Tom Rigner, President of the Board of Arroyo Townhome Association. He had originally wanted to build a housing development, but it was not approved because of the noise from the nearby railroad tracks and the additional traffic the development would generate. Some months later, he then approached the City about creating a mini-storage development on the property, which staff agreed to and which was approved by all City entities. During this process, he had kept the neighbors informed. This revised plan was compatible with the northern neighbor and included many windows, trees and landscaping and wrought iron fencing. He planned this to be a first-class development. However, the driveway had not been torn up or drainage installed as was indicated in the letter from the neighboring property. Furthermore, there was no chance of damage during earthquake, as claimed by Mr. Rigner in his letter.

Commissioner Sharma asked if this project was before the Commission for approval to increase its square footage and what was the most important reason for this project coming back to the Commission. He asked if the approved size of the original project would be adequate if the economy changed.

Mr. Manbeian stated that the economy was not good, the cost of rental units had stayed flat, and construction costs had risen approximately 50 percent. This was a minor amendment where only the one building nearest the railroad tracks was to have its height increased by only five feet. The floors were planned to be short, so that the height of the building did not exceed 30 feet, which was allowed under residential zoning. The neighbors had no view, so it could not be obstructed by the extra five feet on one building. His development would be an improvement to the neighborhood. He claimed that every year he had to pay approximately 3,000 dollars to clean up the lot and that he had spent over 195,000 dollars in fees to the City, along with expenses for architecture, civil engineering, interest payments and other costs. Construction costs would stay the same (they would not drop, no matter what happened with the economy). He needed to increase the square footage of the development to justify the completion of the project.

Commissioner Cohen opened the public hearing.

Tom Rigner, President of the Board of Arroyo Park Townhome Association, stated that he had written a letter to staff about the proposed "minor" amendment that would block his view of the spruce trees from his kitchen. He had approved a ditch that was to be dug across the association's property. He had erroneously assumed that the current street work had been

performed by the applicant. He had no complaint about the enlarged footprint or removal of some of the trees to accommodate the larger footprint, only with the proposed additional height. However, the faux windows seemed "like putting a dress on a bulldog."

Mark Crawford, builder of self-storage units spoke in favor of the amendment. He stated that he had performed a feasibility study for the project, as approved, and he concluded that the project would not make money as originally proposed. The extra floor was planned on Building 4, along with reducing the setback on two of the buildings from ten feet to five feet. The applicant would not be able to sell the storage project for what it would cost to build it, and if it was 100 percent occupied, he would be lucky to break even on it. Self-storage was generally worth ten times the profit it generated. The zoning in the area allowed a 30-foot height, which this building would not exceed. The height impact would be minimal, the setback of Building 4 was far enough as not to impact the neighbor's views. If this were not approved, another building would have to have a floor added or the applicant would have to create a different kind of project on this property. Somehow, 8,000 square feet was needed to make the project worthwhile.

Commissioner Harrison asked if the plan before the Commission was with the additional square footage and if the speaker had performed the proforma. He mused that if the approved development generated 48,000 dollars in profit a year, it did not seem that the applicant would go bankrupt with the approved project. He had planned a ten-percent contingency, the property taxes would be paid, and his debt would be serviced from that profit. He agreed that a self-storage business was worth ten times the earnings, so this business would be worth almost a half-million dollars, without the amendment. He asked what the proforma looked like when using the larger square footage that the amendment would allow. He expected the economy to turn around, at some point, the rental rates would increase, at some point, and who knew what construction costs would eventually be. The extra five feet in height would be there forever.

Mr. Crawford stated that the original plan would cost the applicant 1.3 million dollars to build and it would be worth half a million after building, he could foresee bankruptcy. These rates were for absolute ideal rental rates for each unit and the applicant may not be able to rent for the expected rates. He had not performed an up-to-date proforma, yet. He could perform another one, if it was required. No one in self-storage would build this project at this time as currently shown. Operating a self-storage business was extremely litigious. Forty-eight thousand dollars a year was not enough. He believed that the cash flow could easily be doubled by making sure that the square footage was about 8,000 square feet more which would put the worth of the business closer to what was paid to build it. The bank also required that there be enough cash flow to accommodate times when all the units were not rented or rented at a lower than ideal rates. He did not believe there were many self-storage businesses in the area and this was not a project that would contribute to a glut in one place.

Commissioner Cohen asked if the square footage could be added without adding the five-foot height.

Mr. Crawford stated that it could be done by linking the buildings, which would be one continuous ring of buildings, which was the ideal layout with landscaping and open area at the front. He had no simple solution. As approved, this plan would provide 33,000 square feet, which, in his opinion, was very small. He guessed that other storage units in the City were probably 50,000 to 80,000 square feet.

Commissioner Harrison asked how large the office and caretaker unit was and could it be made smaller to allow for more rental units.

Mr. Crawford stated that the office/caretaker's unit would be 2200 square feet. The Manager's unit would be 1100 square feet, which was considered minimum. It would also have a private yard area, which was unusual. Downstairs, the office and storage room were 1100 square feet. Part of that could be used for a few more units, but access would be difficult. He suggested putting a third floor on the manager's unit, which would allow for more square footage. However, it would front on Mission Boulevard and would be less than ideal. Building 4 was the best building for the additional five feet in height. It was along the railroad tracks and it would impact the least amount of people.

David Surago, local property owner, stated that he would like to see the project move on. It was a dumping ground and he had cleaned it for many years of washing machines, freezers, refrigerators and much more. A business would be a big improvement in the neighborhood. If he had known how loud the train was when it passed, he would have chosen a different location for his business. With the train impact, this was the best use of the lot.

Mr. Manbeian closed by stating that the prior and adjacent residential zoning had a 30-foot height limit. He had the right to build all the buildings, not just one, to 35 feet. He was asking for a five-foot increase for just one building. The neighbors knew that someday, something would be built on this property and it could have a 30 to 35 foot height. He expressed dismay that one building next to the railroad tracks had "created such a big, huge problem."

Commissioner Natarajan stated that he was requesting a variance with the requested FAR, which amounted to more than any residences that could be built on the property. She saw this project as equal to 32 units to an acre. She saw no change in the architectural design; she saw a reduction in the landscaping and there were no tradeoffs. She asked if he would be willing to improve the architecture.

Mr. Manbeian stated that the FAR related to the traffic index and storage development was the most benign of any other development when it came to generating traffic in the City. If he had been allowed to build houses, he would have built them, already sold them and be on to other projects. The City did not allow houses to be built on the property because of the noise from the railroad and the traffic the development would have generated. He stated that he had spent three and one-half years and a "lot of money" trying to develop this property. In his opinion, the tradeoffs were the windows that were added to the north elevation of buildings 4 and 5, the massing of the building was reduced by changing the roof, trees would be planted along the railway tracks and on the south side of the property. He had agreed to all the suggestions made by the planning department and everything possible had been done to make the project compatible to the neighborhood on the north.

Commissioner Natarajan asked if he would agree to a flat roof on Building 4. She also asked if the building could be broken up, which would break up the roof profile that was currently 107 feet long. She asked if he had considered the view impacts from Niles Boulevard at the back of the building and across the open space.

Mr. Manbeian stated that he would agree to a flat roof, but the planners would have to be asked about that. The pitch of the roof had already been modified. He wondered how the roof on such a large building could drain without some kind of a pitch. He believed that the view from Niles Boulevard would be negligible because of the additional trees and the vines on the building, itself. He did not know what else could be done.

Commissioner Sharma had the same views as Commissioner Natarajan. He could see that the project would provide a buffer for the people at the north end. However, the height and area of the buildings was being increased, and he believed that the project was too large for the land. Would not this "big structure" look odd as the main entrance to the Niles District?

Mr. Manbeian asked the Commission to look at a cross section on Sheet A12 that showed that while standing on Mission Boulevard, the building could not be seen.

Commissioner Cohen asked if the grade level for Building 4 would be increased.

Mr. Manbeian stated that the grade level would be the same, but Building 4 could not be seen while standing on Mission Boulevard.

Commissioner Cohen closed the public hearing and asked for questions of staff from the Commissioners.

Commissioner Natarajan asked if the condition concerning the noise study for the caretaker's unit would result in a sound wall along Mission Boulevard.

Deputy Planning Manager Schwob replied that the condition was to install a wall to protect the private, open-space area for the caretakers unit not the entire project. It was also noted that there were some gaps between the buildings on Mission Boulevard that would allow glimpses of Building 4 to be seen as one walked or drove by.

Commissioner Sharma guessed that even if the height of the building was increased ten feet, the building could not be seen from Mission Boulevard. He asked if this project would provide "a good entry" into the Niles District and was staff sure that the neighbors approved. The economic factor was important, and he believed that it was unfair to keep changing a project once it had been approved. For all one knew, by the time the project was ready to rent, the rentals could double or triple and the extra five feet of height would not be justified.

Deputy Planning Manager Schwob agreed that one of the neighbors believed that the additional height would block his view of the tops of the trees and perhaps some view of the hills. Staff expected that this facility would be very high end for a storage facility and would compliment the area. The intent was to add large-scale trees that would be reminiscent of the California Nursery. The plant materials would enhance the project. The intent was not to have a walled-off development, because that was what the residential project would have been. The economic arguments, however, were not something that the Commissioners needed to weigh.

Commissioner Cohen recalled the original development as it was brought before the commission and it had not been an easy decision. Perhaps he was overstating, but this project seemed to be the lesser of any other evils. This is a land-use decision, not an economic decision, which was irrelevant to the discussion.

Commissioner Thomas suggested that the ends of the top floor of the building could be shortened. She realized that some redesigning would be necessary, but it would give the impression of being smaller on the top and would add variety to the architecture.

Commissioner Cohen asked if she was suggesting a condition that the applicant work with staff to reduce the roof pitch. He asked Commissioner Natarajan if she could articulate a condition that would accommodate the neighbor.

Commissioner Natarajan noted that there was a linear building that was 117 feet long. The proposed roof pitch would not match the other buildings on the site and did not add to the aesthetics of the building. She suggested that the building be moved back five feet to the property line, as that space between the back of the building and the property line was wasted space. The building could be broken up into three smaller buildings and, along with the proposed landscaping, one would not see such a long building.

Commissioner Cohen asked if the five-foot setback could be eliminated.

Deputy Planning Manager Schwob replied that there was a drainage system at the back of the property, so some setback was needed to accommodate it. He was not sure if the building could be set back any more and if it were moved back more, if it solved the northerly neighbor's height perception. If the building were against the property line, it would probably collect graffiti.

Commissioner Natarajan stated that if the building were broken up, a two-story building would be at the north end with the height stepped up as it moved away from the neighbors. She felt that a flat roof should be explored, which would allow the three stories, but the buildings would not look as bulky or massive as one would. She noted that with a planned district, it was expected that the design would be better than usual. From an architectural standpoint, the building design did not justify the additional requested FAR. There were almost no changes from what had been originally proposed. However, the setbacks had been reduced and 1,000 square feet of landscaping was eliminated. She expected something better than the stucco exterior, bands and false windows, which, in her opinion, all added to a sense of bulkiness and massiveness. The Craftsman window surrounds also added to the bulkiness. There were many ways to architecturally reduce the mass and bulkiness of the buildings, which would be more aesthetic, would fit in better with the neighboring properties and be more appropriate as a gateway to the Niles District. The proposed landscaping was nothing out of the ordinary and she believed there was potential to improve it also. She was not opposed to the increase in FAR as long as the architecture was better.

Commissioner Harrison was torn. He agreed that economics should not drive the Commission's decision. However, it was a factor and if the project did not move forward, a garbage dump would continue to be on this property for years to come. He asked the applicant if he would be willing to work with staff to incorporate some of the ideas proposed by the Commissioners. He agreed that it was difficult to visualize the view corridors when none of the drawings included the neighbors to the north and back. He suggested a continuance.

Commissioner Cohen asked if there was a consensus among the Commissioners that the applicant work with staff, as Commissioner Harrison proposed.

Commissioner Sharma agreed that the building could be better.

Commissioner Cohen noted that there was a general willingness by the Commission to accommodate the increased FAR, along with some architectural redesign, as Commissioner Natarajan had articulated.

Commissioner Natarajan asked that staff require that some kind of perspective drawing or volumetric model to correctly understand how the proposed buildings would look with respect to its surroundings.

IT WAS MOVED (THOMAS/WEAVER) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1) THAT THE PLANNING COMMISSION **CONTINUE TO A DATE UNCERTAIN**

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	1 - Wieckowski

Commissioner Wieckowski rejoined the Commission.



## MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

Deputy Planning Manager Schwob stated that the tentative agenda erroneously showed two items scheduled for the February 13<sup>th</sup> meeting. He suggested that, in lieu of the meeting, the annual dinner would be held.

It was agreed to hold the dinner at Pearl's and that the recently retired Commissioners Arneson and Manuel, along with staff, would be invited.

Deputy Planning Manager Schwob noted that since the City was undergoing budget cuts, the dinner would be paid by the attendees and attendees to the conference in San Diego would also have to pay for their own expenses. Depending on the items scheduled to come before the Commission, he recommended that continued items not be continued to a date specific, because Planning Commission meetings may be held once a month, for the time being. Staff was relatively busy, but items needing to be heard by the Commission had decreased.

Commissioner Weaver asked if the Commissioners could have some notice of which meetings were to be cancelled to allow a choice for the Commissioners. She asked if fewer meetings meant later meetings and if the 11 o'clock rule would be instituted.

Deputy Planning Manager Schwob agreed to try to give the Commissions as much lead-time as possible about cancelled meetings.

- Information from Commission: Commission members may report on matters of interest.

Commissioner Thomas suggested that discussion should be held about which Commission members should attend the Commissioners' meetings. She felt that it was a waste for experienced Commissioners and that it was important that new Commissioners attend. She would like to see a decision and policy made concerning who the City paid to attend the meetings. She also proposed that the Commissioners' reimbursement (that was raised during the year) be returned to \$25 a meeting as a temporary measure. She felt that it would show the public that the Commissioners were aware of budget concerns. On the other hand, if the reimbursement rate stayed the same, perhaps the Commissioners could donate it back to the City.

Commissioner Cohen agreed that individual commissioner could donate his/her additional reimbursement back to City.

Commissioner Natarajan passed copies of an article in the San Jose Mercury newspaper concerning Fremont architecture, which specifically mentioned the Wendy's and the Shell gas station buildings.

Commissioner Wieckowski asked about the Cates property and the moving of the house. He had heard that the house was not going to be moved.

Deputy Planning Manager Schwob consulted with staff and replied that they did not have a complete picture. He offered to report the status at a later date.

Commissioner Sharma asked if he could have more information on the San Diego conference.

Deputy Planning Manager Schwob stated that all the information was in his packet.

Commissioner Cohen noted that the estimated \$81 billion dollars to be spent on the war with Iraq would solve the fiscal crises of every state in the union.

Meeting adjourned at 8:15 p.m.

SUBMITTED BY:

Alice Malotte  
Recording Clerk

APPROVED BY:

Jeff Schwob, Acting Secretary  
Planning Commission